

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

GLENN SCHIPPERS,)	
CHARGING PARTY,)	
)	CASE NO. 9801008381
vs.)	
)	ORDER AFFIRMING DISMISSAL
IMPERIAL HOLLY SUGAR INC,)	
RESPONDENT.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on November 15, 1999. The matter was before the Commission for consideration of the charging party's objection to the dismissal of the complaint. Appearing before the Commission was Steven A. Kelly who represented the charging party and Donald Herndon who represented the respondent. The matter was considered based on the record and on the briefs and oral arguments of the parties.

After reviewing the record and the parties' briefs, the Commission affirms the decision of the Human Rights Bureau to dismiss the matter. The employer advanced legitimate non-discriminatory grounds for terminating the charging party. Charging party was fired for failing to provide CPRs required under the collective bargaining agreement. The Commission finds substantial credible evidence in the record to support the findings of the investigator. In deferring to the factual findings of the investigator, the Commission agrees with the investigator's conclusion that the respondent has not illegally discriminated against the charging party on the basis of disability. Accordingly, the matter was properly dismissed. The notice of dismissal was properly issued as the investigator's findings do not constitute an abuse of discretion. *Mont. Admin. R.. 24.9.1714(3)*.

A party may appeal from this order by filing a petition for judicial review with the district court no later than thirty (30) days from the service of this order pursuant to Section 2-4-701, et seq., MCA.

IT IS HEREBY ORDERED, that the charging party's objection to the notice of dismissal is overruled and the notice of dismissal is affirmed.

Dated this __ day of December, 1999.

Gloria "Patt" Etchart, Chair, Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **ORDER AFFIRMING DISMISSAL** was served on the following persons by U. S. Mail, postage prepaid on the _____ day of December, 1999.

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